a. the Nelliampathy Ghat road ;
b. the Vaniampara road, and
c. the road from Pudukkad to the Mooply Valley ?

Mr. V. K. Aravindaksha Menon.—Vide statement appended (*Appendix I*).

Road from Chalakkudi Railway Station to the Pulaya Colony.

385. Mr. C. J. Mathew.—Will the Government kindly state:—

(a) whether a petition has been received from the inhabitants of Perambra and western Chalakkudi in Kanni 1103, requesting that a road may be constructed from the Chalakkudi Railway Station to the Hill where the Pulaya Colony is located; (ii) whether the Government are aware that an existing line of communication was shut up with the coming into existence of the Colony ;

(b) whether the Government have taken any action in this matter ; and if so, what action ?

Mr. V. K. Aravindaksha Menon.—(a) (i) Yes.

(ii) No line of communication worth the name has been obstructed. But people at large were walking that way before the Colony came into existence. But this is not possible now.

(b) The petition was forwarded to the Chief Engineer for enquiry and report. The cheapest useful route was reported to cost Rs. 16,000. The cost being prohibitive, it was ordered that there was no immediate prospect of the road being opened.

Mr. C. J. Mathew.—Can you give them at least some line of communication if not a road costing Rs. 16,000 ? Originally there was some means of communication though not a road which is now prevented by the Colony. Some line of communication may be opened for the people who walk up and down.

Mr. V. K. Aravindaksha Menon.—I think there is a position somewhere to the northern portion of the Chalakkudi Pulaya Colony and I shall investigate that part.

Mr. C. J. Mathew.—This road is the one going from the Railway Station to the Pulaya Colony. Is the other road investigated ?

Mr. V. K. Aravindaksha Menon.—I am investigating it.

Trippunittura Fort Road.

386. Mr. M. K. Raman.—Will the Government be pleased to say whether the roads inside the Fort, Trippunittura, were not constructed by the Government, whether they are not maintained also by the Government ; have the Government prohibited any class of His Highness' subjects the right of using

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these roads; are there bazaars in these roads; are the Government aware that there is no prohibition of any sort whatsoever in the Hill Palace, the Residence of His Highness, for any class of His Highness' subjects to enter; under whose authority is the prohibition, if any, imposed in the Fort Roads; will the Government have any objection to adopt the gracious example of His Highness with regard to all public places in the State?

Mr. V. K. Aravindaksha Menon.—Part 1. It is difficult to say at this distance of time who constructed these roads. They are now maintained by Government.

2. Government can only say that there is a time-honoured custom which prohibits such use, and it is as good as law.

3. There are a few shops inside the Fort which exist there mainly to minister to the wants of the palaces and the temple.

4. Government are not aware of any prohibition.

5. Vide answer to part 2.

6. Government have been adopting the principle wherever possible.

Mr. M. K. Raman.—May I know why the Government has considered this custom to be as good as law? What condition of the custom has made the Government consider this as good as law?

Mr. V. K. Aravindaksha Menon.—Custom is a legal question.

Mr. U. Kandar Menon.—All the conditions necessary will be fulfilled to make the custom as good as law. The custom is time-honoured and uninterrupted.

President.—There are some essentials.

Mr. M. K. Raman.—Did the Government consider the exclusion of certain communities on account of their caste to be a reasonable custom?

Mr. U. Kandar Menon.—There is no exclusion.

Mr. M. K. Raman.—They are not prohibited to enter?

Mr. U. Kandar Menon.—They are not entering as a rule, as a matter of custom and practice. Nobody is excluded.

Mr. M. K. Raman.—Do you say that there is no prohibition?

Mr. U. Kandar Menon.—There is no prohibion. But as a matter of fact they are not entering.

President.—Suppose they make an entry to-morrow. Will they be prohibited?

Mr. U. Kandar Menon.—That is a hypothetical question.

Mr. M. K. Raman.—There is no prohibition existing now?

Mr. U. Kandar Menon.—There is no order of prohibition.

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Mr. M. K. Raman.—The answer to (2) is that the custom is as good as law. Did the Government consider the exclusion of certain communities on account of their caste from road to be a reasonable custom?

Mr. U. Kandar Menon.—That is only difference of opinion.

Mr. M. K. Raman.—Did the Government consider the exclusion of a particular community on account of their caste to be a reasonable custom?

Mr. U. Kandar Menon.—There was no occasion for it.

Mr. M. K. Raman.—Then how did the Government come to the conclusion that it is as good as law?

Mr. U. Kandar Menon.—Because all the conditions necessary to be fulfilled for the custom to be law exist in this case.

Mr. M. K. Raman.—That is why I ask whether Government have considered this custom to be reasonable.

Mr. U. Kandar Menon.—That is one of the conditions.

President.—In the case of a custom it must be reasonable. So that; when you say that it is a time-honoured law, the custom is one of reasonableness. Is it reasonable?

Mr. M. K. Raman.—I do not want to ask a hypothetical question.

Mr. U. Kandar Menon.—There was no necessity, no occasion to consider this question specifically.

Mr. M. K. Raman.—So the Government do not consider it as binding as law.

Mr. U. Kandar Menon.—It does not follow. He may take that it is so.

Mr. M. K. Raman.—The Government has not considered it reasonable or not. Therefore, the answer to (2) is not correct.

Mr. U. Kandar Menon.—He may have his own interpretation.

Mr. M. K. Raman.—There is no answer to my question.

Mr. V. V. Anantapadmanabha Ayyar.—On a point of order, Sir. No discussion is permitted, when the answer is given to a question.

Mr. M. K. Raman.—I am only putting supplementary questions. I am not discussing about it. Government gave me an answer that Government can only say that there is a time-honoured custom which prohibits such use and that it is as good as law. I am asking the Government 'what condition of the custom has made this as good as law'. The answer given to me is that the conditions are satisfied. I want to know whether the Government did consider it to be a reasonable custom.

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Mr. U. Kandar Menon.—That was not specifically considered.

Mr. M. K. Raman.—And, therefore, the answer given to me that it is as good as law is not correct.

Mr. U. Kandar Menon.—It is quite correct.

Mr. M. K. Raman.—How?

Mr. U. Kandar Menon.—It is not for the Member to question.

Mr. M. K. Raman.—The answer given to me is that it is as good as law.

Mr. U. Kandar Menon.—Certain conditions are to be fulfilled.

President.—We are not in the region of discussion. He is furnishing information which may not serve your purpose. You will have to take it for what it is worth.

Mr. M. K. Raman.—I want only an information. The answer given to me is that it is as good as law. The Hon'ble Secretary has answered that they have not considered whether it is reasonable or not. So it is without considering whether it was reasonable or not that this conclusion was arrived at.

President.—If that inference is warranted, take it to be so. You do not want his assurance on the matter.

Mr. M. K. Raman.—I want to know whether this conclusion that it is as good as law was arrived at without taking into consideration the question of reasonableness.

President.—If the answer furnished shows that, take it to be so.

Mr. U. Kandar Menon.—I cannot make it plainer. I have given all the information I am able to give.

Mr. T. M. Krishna Menon.—We have here only to supply information.

President.—Of course there is that expression in the statute that no discussion is allowed. The question is put and answer given. Whether the answer is satisfactory does not arise.

Mr. M. K. Raman.—I am not saying that the answer is unsatisfactory or all that. Did you come to the conclusion without considering the reasonableness of the question?

Mr. A. B. Salem.—They have had no occasion to consider it.

Mr. T. M. Krishna Menon.—The answer has been given.

Mr. M. K. Raman.—Did the Government consider this question so far as the fort roads are concerned?

Mr. U. Kandar Menon.—We have considered with regard to every road. Wherever possible it has been allowed.

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Mr. M. K. Raman.—But I specify a particular road whether in the case of that particular road the adoption of this, principle was ever considered.

Mr. U. Kandar Menon.—What is it that you want? It was considered with reference to every public road. Wherever possible it has been given. It means all the roads were considered.

Mr. M. K. Raman.—I particulary pointed out to the attention of the Government this particular road. I want to know whether this was also considered.

Mr. U. Kandar Menon.—Wherever possible it has been considered. It implies all the roads. Then why do you ask one particular road?

President.—These are all difficult questions to answer.

Shallow portions of the back-water.

387. Mr. M. K. Raman.—Will the Government be pleased to say whether they are aware that considerable difficulty is experienced now by the contractors of the ferry boat from Ernakulam to Cochin on account of the shallowness of certain portions of the back-water and that boats often get stranded here and there causing much inconvenience and apprehension to the passengers?

Mr. V. K. Aravindaksha Menon.—Yes.

The question of dredging a deep channel between old Venduruthi and the Reclamation is being considered.

Mr. M. K. Raman.—Cannot the Member give us some time-limit when the channel will be an accomplished fact?

President.—I think you had an interview with Mr. Bristow and he said that Rs. 18,000 would be required for deepening this channel.

Mr. V. K. Aravindaksha Menon.—He also said that it will get silted up within about 3 or 4 years.

President.—So this dredging should go on once in every three or four years.

Mr. V. K. Aravindaksha Menon.—Yes. He also said that, if the Harbour becomes successful, which he says would be an accomplished fact within five years, this channel will have to be closed.

President.—If we spend this Rs. 18,000 now, it will be of no great use.

Mr. V. K. Aravindaksha Menon.—Even if the channel is dug there, it can remain only for two or three years; for his programme of work is to reclaim the shoals to the west of Venduruthi island, and when that work begins, he says he could permit the channel to remain there.

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